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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,184	02/04/2004	Mariana Benitez Pelaez	LUTZ 2 00256	4687

48116 7590 05/17/2006

FAY SHARPE/LUCENT
1100 SUPERIOR AVE
SEVENTH FLOOR
CLEVELAND, OH 44114

EXAMINER

FIGUEROA, MARISOL

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 05/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/772,184

Applicant(s)

PELAEZ ET AL.

Examiner

Marisol Figueroa

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 15-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 15-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

Response to Amendment

2. This Action is in response to Applicant's amendment filed on 2/27/2006. Applicant amended claims 1, 2, 8, 9, and 13; canceled claim 14; and added claims 15-21. Accordingly, claims 1-13, and 15-21 are currently pending in the present application.

Response to Arguments

3. Applicant's arguments with respect to claims 1 and 9 have been considered but are moot in view of the new ground(s) of rejection.

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, this Action is made final.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 3-7, 9-12, 17-21 are rejected under 35 U.S.C. 102(b) as being anticipated by MARINIER (FR 2,823,939 A1). Refer to the foreign translation.

Regarding claim 1, Marinier discloses a method of protecting a lost or stolen mobile communications terminal having a terminal identifier from unauthorized use comprising:

placing the mobile communications terminal in a Protected Mode without deactivating the mobile communications terminal's terminal identifier by storing a Protected Mode Indicator at a network element remotely located from the mobile communications terminal indicating that the Protected Mode has been activated for the terminal (see page 2, line 23- page 3, lines 1-4; page 13- page 4, lines 1-5; a lost or stolen mobile telephone is registered with a restriction of out-going calls and transfer of incoming calls and messages, i.e. protected mode, in a database of a network communication management center by request of an user);

preventing outgoing calls from being made from the mobile communications terminal in the Protected Mode (see page 4, lines 1-5; out-going calls are restricted); and

redirecting incoming calls destined for the mobile communications terminal in the Protected Mode (see page 3, lines 2-4).

Regarding claim 3, Marinier discloses the method defined in claim 1 wherein the redirecting step includes redirecting the incoming calls to the mobile communications terminal's voicemail system (see page 3, lines 2-12; page 13-18).

Regarding claim 4, Marinier discloses the method defined in claim 1 wherein the redirecting step includes redirecting the incoming calls to a forwarding number (see page 3, lines 2-7).

Regarding claim 5, Marinier discloses the method defined in claim 1 wherein the placing step includes the subscriber placing the terminal in the Protected Mode (see page 7, lines 3 - page 9, line 1; the user register the lost of theft of his/her mobile telephone in the database of the communications management center without passing through a customer representative by using a

voice recognition/synthesis interface or the Internet, and causes the restriction of out-going calls, and the transfer of incoming calls).

Regarding claim 6, Marinier discloses the method defined in claim 1 wherein the placing step includes the subscriber placing the terminal in the Protected Mode using a web site (see page 8, line 14 – page 9, line 1).

Regarding claim 7, Marinier discloses the method defined in claim 1 wherein the placing step includes the mobile communications service provider placing the terminal in the Protected Mode (see page 4, lines 6-14; page 5, lines 8-10; page 6, lines 5-22; the user can communicate with a customer representative, i.e. service provider, which records the declaration of loss or theft of his/her mobile telephone in the database of the communication management center and causes that out-going calls to be restricted and incoming calls to be transferred by request of the user).

Regarding claim 9, Marinier discloses a system for protecting a lost or stolen mobile communications terminal having a terminal identifier from unauthorized use comprising:

a mobile communications terminal having a terminal identifier and a Protected Mode for preventing unauthorized use without deactivation of the terminal identifier (note that inherently every mobile telephone includes an identifier);

a communications network element disposed remotely from the mobile communications terminal for storing a Protected Mode indicator indicating that the Protected Mode has been activated for the mobile communications terminal (see page 3, lines 2 – page 4, lines 1-5; a declaration of loss or theft, i.e. Protected Mode indicator, of a mobile telephone is recorded at the communications management center database, i.e. network element, for restricting outgoing calls and transferring incoming calls);

means for preventing outgoing calls from being made from the mobile communications terminal while in the Protected Mode disposed at a location remote from the mobile communications terminal (see page 3, line 13 – page 4, lines 1-5; page 4, lines 15-19; i.e. communications management center); and

means for redirecting incoming calls destined for the mobile communications terminal while in the Protected Mode disposed at a location remote from the mobile communications terminal (see page 4, lines 15-19; the communication management center transfer calls and messages intended for the lost or stolen mobile telephone).

Regarding claim 10, Marinier discloses the system defined in claim 9 wherein the means for redirecting incoming calls includes means for redirecting incoming calls to the Voice Mail System of the mobile communications terminal (see page 3, lines 2-12; page 13-18).

Regarding claim 11, Marinier discloses the system defined in claim 9 wherein the means for redirecting incoming calls includes means for redirecting incoming calls to another terminal (see page 3, lines 2-7).

Regarding claim 12, Marinier discloses the system defined in claim 9 wherein the means for preventing outgoing calls from being made from the mobile communications terminal includes a Call Session Manager (see page 3, line 13 – page 4, lines 1-5; page 4, lines 15-19; i.e. communication management center).

Regarding claim 17, Marinier discloses the system defined in claim 9 wherein the means for preventing outgoing calls from being made from the mobile communications terminal comprises a Call Session Manager network element communicating with the communications network element that the mobile communications terminal is in Protected Mode (see page 3, lines 2-4, 13-16; page 1-5, lines 15-19; the communications manager center prevents outgoing calls from stolen or lost

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mobile telephones, from which they have a declaration of loss or theft, i.e. Protected Mode, registered in a database of the communication management center).

Regarding claim 18, Marinier discloses the system defined in claim 9 wherein the communications network element is one of a Home Location Register and a Home Subscriber Server (see page 3, lines 13-16; page 4, line 24 – page, lines 1-6; i.e. network communication management database).

Regarding claim 19, Marinier discloses the system defined in claim 9 further comprising means for enabling a mobile communications subscriber to communicate with the communications network element for storing the Protected Mode indicator at the communications network element (see page 3, lines 13-16; page 4, lines 6-14; page 7, lines 3 – page 8, lines 1-5; page 8, line 14 – page 9, line 1).

Regarding claim 20, Marinier discloses the system defined in claim 9 further comprising means for enabling a mobile communications Service Provider to communicate with the communications network element for storing the Protected Mode indicator at the communication network element (see page 4, lines 6-14).

Regarding claim 21, Marinier discloses the method defined in claim 1 wherein the communications network element is one of a Home Location Register and a Home Subscriber Server (see page 3, lines 13-16; page 4, line 24 – page, lines 1-6; i.e. network communication management database).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claim 2** is rejected under 35 U.S.C. 103(a) as being unpatentable over MARINIER in view of ALFRED (US 6,393,275 B1).

Regarding claim 2, Marinier discloses the method defined in claim 1 but fails to particularly disclose wherein the identifier is an Electronic Serial Number (ESN). Alfred teaches that cellular telephones include a memory containing a unique terminal identifier (TID) referred in the United States as an electronic serial number (ESN) (col.2, lines 50-53). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention, to recognize that mobile communication terminals have electronic serial numbers (ESN) as taught by Alfred, since it is notoriously well known that cellular telephones have this number stored in their memories and by this number they are recognized by the network.

9. **Claim 13** is rejected under 35 U.S.C. 103(a) as being unpatentable over MARINIER in view of KHAYRALLAH et al. (US 6,490,314 B1).

Regarding claims 13, Marinier disclose the system defined in claim 9, but fails to disclose wherein the Call Session Manager is a Mobile Switching Center. Khayrallah teaches that cellular systems are comprised of at least a mobile station, a base station system, a mobile switching center, and an operation support system. The switching center is responsible for call processing, generating call progress tone, and billing charges. Furthermore, is provided with an equipment identify register that contains a database about mobile equipment identities that prevents calls from stolen, unauthorized, or defective mobile stations (see col.5, lines 8-50). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention, for the Call Session

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Manager to be a Mobile Switching Center, as suggested by Khayrallah, because the mobile switching centers are the responsible for performing all the call processing functions in a cellular communications system, such as generating call progress tones, billing charges, call set up, and call prevention from stolen, or unauthorized mobile stations.

10. **Claims 8** is rejected under 35 U.S.C. 103(a) as being unpatentable over MARINIER in view of CHOI et al. (US 2005/0177419 A1).

Regarding claim 8, Marinier discloses the method defined in claim 1 but fails to particularly disclose further comprising a Call Session Manager element locating the terminal when a call is attempted to be made from the mobile terminal in Protected Mode. However, Choi teaches that a call session manager (i.e. MSC/call management center) is responsible for handling incoming and outgoing calls from mobile communication terminals and also register the location information from the mobile terminals (see paragraph 0042). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention, for the Call Session Manager element to locate the terminal when a call is attempted to be made from the terminal, as suggested by Choi, in order to optimize the system.

11. **Claims 15 and 16** are rejected under 35 U.S.C. 103(a) as being unpatentable over MARINIER in view of BLOM et al. (US 2002/0022474 A1).

Regarding claim 15, Marinier discloses the method defined in claim 1 wherein the step of preventing outgoing calls from being made from the mobile communications terminal further comprises:

receiving a message at the communications network element requesting call setup information for an attempted outgoing call from the mobile communications terminal (see page 3,

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lines 13-16; page 4, lines 1-5, 15-19; page 6, lines 18-22; the management center receives the call attempts to/from the mobile communication terminals, e.g. outgoing or incoming calls).

verifying that the Protected Mode indicator for the mobile communications terminal has been set indicating that the mobile communications terminal is in protected Mode (see page 3, lines 13-16; page 4, lines 1-5, 15-19; page 6, lines 15-22; the declaration of loss or theft, i.e. protected mode indicator, can restrict outgoing calls, therefore, when an outgoing calls is received at the communication center, it is inherent that the communication center checks its database to verify the status of the mobile terminal to apply the corresponding actions such as restrict outgoing calls and transferring calls for a particular mobile terminal).

Marinier fails to particularly disclose the step of returning a response indicating that the mobile communications terminal is in Protected Mode according to the verifying step.

However, Blom teaches a method for preventing fraudulent use in a telecommunications network, including one fraud profile (at the MSC) identified by creating an identifier, that is including in the subscriber data of some subscribers (see abstract, lines 1-9). A call setup, e.g. call transfer, is checked against a black list restriction to "on" or "off" for a subscriber, when the analysis for the number matches the number in the black list (i.e. protected mode), the call transfer is rejected, and the operator of the MSC may get a report about the call transfers to the black list numbers (see paragraph 0034; fig. 5). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention, to return a response to the network element indicating that the mobile communications terminal is in Protected Mode, in order for the communication element to perform the correspondent actions that apply according to the status of the mobile terminal.

Regarding claim 16, the combination of Marinier and Blom discloses the method defined in claim 15, wherein the step of preventing outgoing calls from being made from the mobile communications terminal further comprises: receiving the response indicating that the mobile communications terminal is in Protected Mode at a Call Session Manager network element disposed remotely from the mobile communications terminal (combination of Marinier and Blom, see remarks about claim 15); and the Call Session Manager releasing the outgoing call attempted to be made from the mobile communications terminal (see page 3, lines 2-4, 13-16; page 1-5, lines 15-19; the communications manager center, i.e. call session manager, prevents outgoing calls from stolen or lost mobile telephones, from which they have a declaration of loss or theft, i.e. Protected Mode, registered in a database of the communication management center, therefore call are released according to the record).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marisol Figueroa whose telephone number is (571) 272-7840. The examiner can normally be reached on Monday Thru Friday 8:30 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester G. Kincaid can be reached on (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Marisol Figueroa
Art Unit 2617


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